

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

TIMOTHY WILLIAMS,)	
)	
Petitioner,)	
)	
v)	Civil Action No. 2:07cv742-MEF
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

ORDER ON MOTION

Petitioner has filed a motion to amend his 28 U.S.C. § 2255 motion. (Doc. No. 10.)

Upon consideration of this motion, and for good cause, it is

ORDERED that the motion (Doc. No. 10) be and is hereby GRANTED.

Further, the United States Attorney for the Middle District of Alabama is

ORDERED to file a supplemental response addressing the new claims asserted by Petitioner in the amendment to his § 2255 motion within thirty (30) days from the date of this order. The government is advised that its response should contain a procedural history and all relevant information, including identification of the claims contained in Petitioner's original § 2255 motion, from which the court can determine the applicability of the limitation period to the claims presented in the motion to amend. The government should make specific reference to Rule 15(c), Fed.R.Civ.P., which provides that "[a]n amendment of a pleading relates back to the date of the original pleading when ... the claim or defense asserted in the

amended pleading arose out of the conduct, transaction, or occurrence set forth in the original pleading.” Rule 15(c)(2), Fed.R.Civ.P. *See Pruitt v. United States*, 274 F.3d 1315, 1318-19 (11th Cir. 2001) (amended claims excluded from application of the limitation period only if they relate back to timely filed claims); *Davenport v. United States*, 217 F.3d 1341, 1344 (11th Cir. 2000) (same).

Done this 18th day of October, 2007.

/s/Susan Russ Walker
SUSAN RUSS WALKER
UNITED STATES MAGISTRATE JUDGE